

REMARKS/ARGUMENTS

In response to the Notice of Non-Compliant Amendment of June 10, 2004, and further in response to the Official Action of July 1, 2003 and in view of the Advisory Action of October 2, 2003, Applicant submits the foregoing amendments to clarify the dependency of Claims 5, 7 and 8 and to amend the claims and add additional claims to further emphasize the distinguishing features of the present invention.

As presently amended, Claim 1, and therefore dependent Claims 2-8, recite that there are three rollers, a first and second of which form a first squeezing gap, with the second roller disposed for travel of the yarn sheet there-around through the pre-wetting liquor, and the second and third rollers forming a wetting agent squeezer as a second squeezing gap.

The cited prior art does not show this combination of three rollers with a second roller serving three purposes, first to provide a first squeezing gap, second serving as an immersion roller to guide the yarn sheet through the pre-wetting bath, and third to provide a second squeezing gap with the third roller. In the Office Action the Examiner has rejected Claims 1-4 and 6-7 before being presently amended, as unpatentable over the German '962 patent in view of the Bisang et al. patent. The Examiner states that the German '962 patent fails to teach the claimed combination of three rollers forming a first squeezing gap and a second squeezing gap, but then states that it would have been obvious to modify the German '962 patent by substituting for the wetting and squeezing/sizing roller unit the wetting/dipping and squeezing/sizing roller as taught by Bisang et al., stating:

With respect to claim 2, Bisang et al. shows in Figure a first wetting agent supply in a nip above the first squeezing gap between first and second rollers and a second wetting agent supply through which the second roller rotates and dips the yarn sheet.

There is an apparent inadvertent omission of the number for the Figure in the foregoing statement. The only figures having a wetting agent supply above a nip and a second wetting supply below the nip are Figures 2 and 3. However, these figures do not disclose a second roller rotating through a wetting agent supply and dipping the yarn sheet in the wetting agent supply. Rather, in each of these figures, the yarn sheet is guided into and through the second wetting agent supply by another roller (roller 42 in Fig. 2 and roller 43 in Fig. 3). Totally absent from the Bisang et al. patent is any disclosure of a second roller having a third purpose of guiding the immersion of the yarn sheet through the bath.

There is nothing in the cited prior patents to suggest modification of the prior art disclosures to render the subject matter of the claims of the present application obvious. Only by hindsight could this be done, which is improper.

Furthermore, to do so would be contrary to the teachings of the Bisang patent which states in column 3, line 73, referring to Fig. 2 to column 4, line 2, referring to Fig. 3:

Furthermore, to deflecting rollers 42 and 43 are provided within the hollow compartment 40 to enable contact of the treatment liquid 40a contained in the hollow compartment 40 with both faces of a textile web 44.

and in column 4, lines 37-41:

In this instance, only a single deflecting roller 43 is provided within the hollow compartment 40, again having the function of enabling the treatment liquid 40a to contact both faces of the textile web 44.

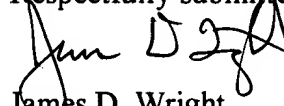
As a matter of fact, all of the figures in the Bisang et al. patent disclose a separate guiding roller or rollers with none of the rollers that form nips serving also as guiding rollers.

Having one roller providing three functions as claimed, results in a compact unit that can be simply constructed and can be arranged so that the rollers are in close proximity to the sizing compartment, the latter feature being emphasized particularly in Claims 3, 4, 6 and 7. This, further, makes it readily acceptable for protection of the free segment between the rollers and the sizing compartment with a cover to protect against heat loss, as described in Claims 5 and 8.

New Claims 9-16 correspond with Claims 1-8, but specifically recite that the three rollers are a set of rollers consisting essentially of the three rollers. This further distinguishes the present invention from the cited prior art, neither of which show a set of rollers consisting essentially of three rollers. The German '962 patent shows six rollers. Figure 2 of the Bisang et al. patent discloses eight rollers, at least four of which are required to form a first nip and a second nip and a guiding roller through the liquid. Figure 3 of Bisang et al. shows the use of five rollers. Figure 4 does not show any liquid below the only nip rollers. Figure 5 does not disclose any nip prior to the yarn entering the liquid bath. Figures 6 and 7 show the same type of combination of rollers as in Figures 2 and 3. Figure 8 shows the use of eight rollers, as does Figure 10. Figure 9 shows the use of six rollers, as does Figure 11. Thus, there is no teaching or suggestion in either the German '962 or the Bisang et al. patents of modifying either or both of them to render obvious the subject matter of Claims 9-16. Claims 10-16 are further distinguishable for the same reasons as recited above for Claims 2-8.

For the foregoing reasons, it is respectfully submitted that the presently pending claims, as amended, patentably distinguish over the prior art and are allowable. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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